

REMARKS

Claims 1-7 and 10-12 are pending and under consideration in the above-identified application. Claims 13-23 stand withdrawn.

Claim 1 is amended in response to the Examiner's Advisory Action. No new matter has been introduced as a result of the amendment.

In the Advisory Action, the Examiner stated that the provisional rejection of claims 1, 2 and 12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4 and 8 of copending application No. 2007 0270527 stands. Applicant submits herewith an appropriate Terminal Disclaimer to overcome the provisional rejection. Accordingly, the rejection is now moot and Applicant respectfully requests that it be withdrawn.

In the Advisory Action, the Examiner rejected the arguments in the Final Office Action that claims 1-7 and 10-12 are not obvious over Yamada et al in view of Yoshida. The claims, however require a biodegradable polysaccharide that contains at least one acetyl cellulose and esterified starch, which cause unexpected flame retardant properties as evidenced in Table 2.

Specifically, the results in Table 2 indicate that the examples containing a biodegradable polysaccharide, a hydrolysis suppressing agent and flame retardant additive containing a hydroxide *and* a nitrogen oxide exhibit higher flame retardant properties namely, UL94V-1, than each of the cited references, which use either a nitrogen oxide flame retardant compound *or* a hydrolysis inhibition and exhibit flame retardant properties of only UL94V-2. Indeed, evidence of greater than expected results can be shown by demonstrating an effect which is greater than the sum of each of the effects taken separately. *See* MPEP 716.02(a) & *Merck & Co. Inc. v. Biocraft Laboratories Inc.*, 874 F.2d 804 (Fed. Cir. 1989). In this case, one would only expect the combination of Yoshida and Yamada to produce flame retardant properties of UL94V-2, but

there is no suggestion that an improvement in the flame retardant properties would occur when the references are combined. As such, Applicants maintain that the cited references fail to teach or even fairly suggest all the unexpected results demonstrated by required elements of the claims. Accordingly, the claims are patentable over the cited references. Thus, Applicants respectfully request that the above rejections be withdrawn.

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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